

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARQUIS RAMEY,	:	Civil No. 3:19-cv-0636
	:	
Plaintiff	:	(Judge Munley)
v.	:	
	:	
ROBERT MARSH,	:	
	:	
Defendant	:	

.....

ORDER

AND NOW, to wit, this 22nd day of November 2019, in accordance with the Court's screening obligations set forth in 28 U.S.C. § 1915, and upon consideration of Defendant's motion (Doc. 4) to dismiss Plaintiff's complaint (Doc. 1-2) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons enumerated in the Court's Memorandum of the same date, it is hereby ORDERED as follows:

1. Plaintiff's second claim is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Defendant's motion (Doc. 4) to dismiss is GRANTED in part and DENIED in part.
 - a. The motion to dismiss the first claim is GRANTED without prejudice to Plaintiff's right to amend the claim as set forth below.
 - b. The motion to dismiss the second claim is DENIED as moot.
 - c. The motion to dismiss the third claim is GRANTED without prejudice to Plaintiff's right to pursue the claim at some point in the future if he is successful at invalidating his disciplinary sanctions.

3. The Clerk of Court is directed to CLOSE this case and TERMINATE all pending motions (Docs. 4, 14, 15).
4. Plaintiff may file, on or before December 6, 2019, a proposed amended complaint amending his claim that “members of the RHU” at SCI Benner allegedly denied him access to the courts as a result of the October 6, 2018 confiscation and destruction of his legal material.
5. The proposed amended complaint shall be accompanied by a motion to reopen the case and contain the same case number that is already assigned to this action, 3:19-cv-0636.
6. The proposed amended complaint shall be direct, concise, and shall stand alone without reference to any other document filed in this matter or any other civil matter. See FED. R. CIV. P. 8(d)(1).
7. Plaintiff is strictly cautioned that the inclusion of separate, unrelated or additional claims will be considered a failure to comply with an order of court and will result in a denial of the motion to reopen and the striking of the proposed amended complaint. See FED. R. CIV. P. 20(a)(2).

BY THE COURT:

s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court